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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [AJ](#)
SUBJECT: AMBASSADOR DISCUSSES MEDIA SITUATION, HUMAN RIGHTS
ACTION PLAN WITH OMBUDSWOMAN ELMIRA SULEYMANOVA

REF: A. BAKU 1482
[1](#)B. BAKU 1435
[1](#)C. BAKU 1140

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D)

[1](#)1. (C) SUMMARY: During a December 14 meeting the Ambassador and Human Rights Ombudswoman Elmira Suleymanova discussed Azerbaijan's tense media environment. The Ombudswoman said that she has appealed to President Aliyev to review the imprisoned journalists' cases to determine if they had actually committed crimes. She would like the journalists to be released, but said that criminals must be punished in accordance with the law. Suleymanova briefed the Ambassador on implementation of the GOAJ's human rights action plan, noting that a working group and five sub-groups have been created. The Ambassador inquired about the status of imprisoned opposition editor Ganimat Zahid and the death in custody of Faina Kungurova; Suleymanova responded that Zahid's condition, which her staff checked on daily, was "not bad," and promised to visit Kungurova's family. She also said she would raise the Election Monitoring Center's registration problems with the Justice Ministry. Although viewed as not particularly effective, Suleymanova is quite active, and seems to be operating to the extent of the space available to her. END SUMMARY

[1](#)2. (C) In a December 14 meeting with Human Rights Ombudswoman Elmira Suleymanova, the Ambassador emphasized U.S. concern over Azerbaijan's tense media environment. She thanked Suleymanova for her efforts in the case of Nakhchivan Radio Free Europe/Radio Liberty correspondent Ilgar Nasibov and asked what the Ombudswoman's office was doing in the cases of the imprisoned journalists and journalists who have been subjected to physical attacks. The Ambassador raised the Election Monitoring Center's (EMC's) difficulty in registering, noting U.S. disappointment that the Ministry of Justice (MOJ) had denied EMC's sixth registration application in November. She inquired as to Suleymanova's efforts in implementing the GOAJ's Human Rights Action Plan, on which the Ombudswoman's office has been designated to take the lead.

[1](#)3. (C) The Ombudswoman said that her office is "doing its best" to improve democratic governance in Azerbaijan. Unprompted, she referred to the criticism she receives from NGOs, noting "I still respect them," but said that criticism "must be balanced." Suleymanova briefed the Ambassador on her work, including establishing four regional offices (in Ganja, Jalilabad, Guba, and Sheki), besides the one in the exclave of Nakhchivan, which she said has declared itself to be autonomous. In response to the Ambassador's mention of EMC's registration, Suleymanova said that she would contact the MOJ regarding the case.

14. (C) Turning to the GOAJ's human rights action plan, Suleymanova noted that a working group has been created to monitor implementation of the action plan, which oversees five sub-groups focused on the areas of improving legislation; cooperating with international human rights organizations; protecting the rights of different social groups, such as children and minorities; improving the GOAJ's efforts to protect human rights; and human rights education and research. These sub-groups, Suleymanova explained, are comprised of NGO representatives, but the main working group is made up of representatives of relevant government bodies. The Ombudswoman also shared her plans to organize an international conference in Baku sometime in the beginning of 2008. Because 2008 marks the sixtieth anniversary of the United Nations Declaration of Human Rights, Suleymanova will declare 2008 the official "year of implementation" of the GOAJ's human rights action plan. She sought USG cooperation in preparing the conference, as well as one on June 18, which she said President Aliyev has newly designated as national Human Rights Day.

15. (C) In response to the Ambassador's stated concern on the media situation, Suleymanova said that she has personally visited all of the imprisoned journalists, with whom she sat and talked for hours. She said that she wrote an appeal to President Aliyev, not requesting a pardon per se, but asking him to review the cases of the imprisoned journalists to assess if they had actually committed a crime. While Suleymanova said that she "would like the journalists to be pardoned," she noted that it is important that those who commit crimes be punished for their actions under the framework of Azerbaijani law. It is not a practice "in any country," Suleymanova continued, to release prisoners based on their profession. She said she has requested pardons of specific groups, for example, women and children, the

elderly, persons with disabilities, and sick persons. While these sometimes include persons believed to be political prisoners, Suleymanova said that she has never requested pardoning of anyone because of political prisoner status. The Ombudswoman's office, she explained, should not be involved in the political prisoner question, but should take an unbiased approach to all prisoners.

16. (C) The Ombudswoman said that on occasion, she has made hospital visits to journalists who have been physically attacked. How, she asked, can the GOAJ hold the perpetrators responsible, if the journalists "don't even know who attacked them?" Turning to the overall tense media environment, Suleymanova admitted that the situation remains one of the main obstacles to democratic development. "The government is not interested in having imprisoned journalists," she said, "but they sometimes behave unprofessionally." The Ambassador explained that the USG is spending millions of dollars on training programs for journalists, but that the GOAJ should also take steps to improve the media situation: removing libel from the criminal code; reinstating a moratorium on public officials filing criminal libel lawsuits; creating an alternative dispute resolution mechanism for journalists and complainants to resolve problems outside of the court system; and vigorously investigating cases of violence against journalists and prosecuting those responsible. The Ombudswoman said that she had recommended some of these steps in her communication with the Presidential Apparatus.

17. (C) The Ambassador inquired about the Ombudswoman's recent visit to then-hunger striking detained Azadliq newspaper Editor-In-Chief Ganimat Zahid (ref a). Suleymanova said that she had urged Zahid to stop his hunger strike, but he avowed to continue "to the end." (Zahid ceased the strike on December 15.) His condition, which she said her staff checked daily, was "not bad." The Ambassador raised the November 18 death of Faina Kungurova at the MOJ Boyuk Shore Medical Facility (ref b). Suleymanova said that she personally had visited Kungurova while she was jailed from 2002 to 2004, and that she believed someone from her office had visited her during this period of pre-trial detention. "I have personal views on this case that I don't want to

share with anyone," she said. "It's unfortunate that she was so young and unhappy with her life." Suleymanova promised to visit Kungurova's family.

18. (C) COMMENT: Although not viewed as particularly effective, Suleymanova is active. As visiting Council of Europe Human Rights Commissioner Thomas Hammarberg said during his September visit to Baku (ref c), Suleymanova appears to be operating to the extent of the space that is available to her. We will continue to engage the Ombudswoman, who has less than two years left in her nonrenewable seven-year term, on the human rights situation, particularly regarding implementation of the GOAJ's human rights action plan.
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